

Response to Office Action dated September 13, 2007  
Serial No. 10/767,150  
Page 9 of 12

### **REMARKS**

In view of the following discussion, the Applicants respectfully submit that none of the presented claims now pending in the application is directed to non-statutory subject matter under the provisions of 35 U.S.C. §101 or indefinite under the provisions of 35 U.S.C. §112. Thus the Applicants believe that all of the presented claims are now in allowable form.

#### **I. OBJECTION TO SPECIFICATION**

The Examiner objected to the Abstract for not being limited to a single paragraph and for repeating information given in the title. In response, the Applicants have amended the Abstract, as indicated above, to conform to the criteria set forth in MPEP 608.01(b). Specifically, the amended Abstract comprises a single paragraph and does not repeat information given in the title. As such, the Applicants respectfully request that the objection to the Specification be withdrawn.

#### **II. REJECTION OF CLAIMS 1-10, 17, 18 AND 19 UNDER 35 U.S.C. §101**

##### **A. Claims 1-10, 17, and 18**

The Examiner rejected claims 1-10, 17, and 18 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. In response, the Applicants have amended independent claims 1 and 8, from which claims 2-7 and 9-10 respectively depend, as well as independent claim 18, in order to more clearly recite aspects of the present invention. The rejection with respect to claim 17 is respectfully traversed.

Specifically, independent claims 1, 8, and 18 have been amended, in accordance with the Examiner's suggestion, to embody the functions of the computer component in a computer readable medium.

With regards to claim 17, the Applicants respectfully submit that claim 17 claims neither a "computer based structural organization" nor a software program. Rather, claim 17 claims "a method of providing and selecting from a set of data entries on the display" of a graphical user interface (emphasis added). Although the method is

634196-1

Response to Office Action dated September 13, 2007  
Serial No. 10/767,150  
Page 10 of 12

described within the context of a graphical user interface, the claimed invention nevertheless remains a process. As set forth in 35 U.S.C. §101, "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title" (emphasis added). Thus, the Applicants respectfully submit that claim 17, as it stands, recites statutory subject matter within the context of 35 U.S.C. §101.

In light of the above amendments and arguments, the Applicants respectfully submit that claims 1-10, 17, and 18 satisfy the requirements of 35 U.S.C. §101. Accordingly, the Applicants respectfully request that the rejection of claims 1-10, 17, and 18 under 35 U.S.C. §101 be withdrawn.

#### B. Claim 16

The Examiner rejected claim 16 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. In response, the Applicants have amended independent claim 16 in order to more clearly recite aspects of the present invention.

Specifically, claim 16 has been amended to specify that "the first interface, the second interface, and the third interface provide the computer component with access to the system that matches colors". The Applicants respectfully submit that the provision of access to a system via a set of application programming interfaces (APIs) comprises a "practical application in the technological arts" in accordance with MPEP 2106. As discussed in paragraph 0096 of the Applicants' published application, the set of APIs allows programmers and/or processes to access the color matching system without having to understand the internals of the system (*i.e.*, only the interface needs to be understood).

In light of the above amendments, the Applicants respectfully submit that claim 16 satisfies the requirements of 35 U.S.C. §101. Accordingly, the Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. §101 be withdrawn.

634196-1

Response to Office Action dated September 13, 2007  
Serial No. 10/767,150  
Page 11 of 12

### C. Claim 19

The Examiner rejected claim 19 under 35 U.S.C. §101 for allegedly reciting a use without setting forth any steps involved in the process. In response, the Applicants have amended independent claim 19 in order to more clearly recite aspects of the present invention.

Specifically, claim 19 has been amended to specify that the data packet includes fields for transmitting color matching data "between various computer components associated with matching colors on materials with different properties". The Applicants emphasize that claim 19 is not directed to a process, as the rejection seems to assume, but rather is directed to a novel data packet structure (i.e., an article of manufacture) that allows the color matching data to be transmitted between the computer components. As such, the limitations of the claim recite the components of the novel data packet, and not the steps of a process.

In light of the above amendments, the Applicants respectfully submit that claim 19 satisfies the requirements of 35 U.S.C. §101. Accordingly, the Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. §101 be withdrawn.

### III. REJECTION OF CLAIM 19 UNDER 35 U.S.C. §112

The Examiner rejected claim 19 under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter with the Applicants regard as the invention. In response, the Applicants have amended independent claim 19, as discussed above, in order to more clearly recite aspects of the present invention.

Specifically, as described above, claim 19 has been amended to specify that the data packet includes fields for transmitting color matching data "between various computer components associated with matching colors on materials with different properties". As also described above, claim 19 is not directed to a process, as the rejection seems to assume, but rather is directed to a novel data packet structure that allows the color matching data to be transmitted between the computer components.

634196-1

Response to Office Action dated September 13, 2007  
Serial No. 10/767,150  
Page 12 of 12

As such, the limitations of the claim recite the components of the novel data packet, and not the steps of a process.

In light of the above amendments, the Applicants respectfully submit that claim 19 satisfies the requirements of 35 U.S.C. §112. Accordingly, the Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. §112 be withdrawn.

#### IV. ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for indicating that claims 11-15 are allowable.

#### V. CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101 or indefinite under the provisions of 35 U.S.C. §112. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

 12/13/07  
Kin-Wah Tong, Esq.  
Reg. No. 39,400

Patterson & Sheridan, LLP  
595 Shrewsbury Avenue - Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: (732) 530-9404

634196-1